

## ANDERSON KILL & OLICK, P.C.

Attorneys and Counsellors at Law

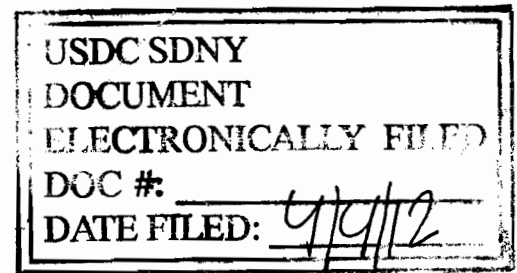
1251 AVENUE OF THE AMERICAS ■ NEW YORK, NY 10020  
TELEPHONE: 212-278-1000 ■ FAX: 212-278-1733  
www.andersonkill.com

Jeffrey E. Glen, Esq.  
Jglen@andersonkill.com  
212-278-1009

April 2, 2012

Hon. Barbara S. Jones  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Wagerlogic v. Paramount  
| CV 4310(BSJ) (DCF)



Dear Judge Jones:

We are the attorneys for Wagerlogic Limited ("WagerLogic"), the plaintiff herein, and for CryptoLogic Limited and Gaming Portals Limited, which have been named by Defendant as Third-Party Defendants.

On November 22, 2011, WagerLogic served a Motion for Partial Summary Judgment on counsel for the Defendant, Paramount Digital Entertainment, and a division of Paramount Pictures Corporation ("Paramount"). Docket Nos. 11 – 14. On January 13, 2012, Paramount served its opposition papers to the motion. Docket Nos. 22 – 24. WagerLogic served its reply papers on the motion on February 1, 2012. Docket No. 28.

Pursuant to the Scheduling Order entered herein by Magistrate-Judge Freeman, as amended, motions to amend the pleadings and to add parties are to be made by April 30, 2012. Plaintiff and the Third-Party Defendants intend to prepare an amended and supplemental complaint, adding certain claims for monetary damages to what was originally an action for declaratory relief. While the additional claims will not materially alter the claims in the original complaint which are the subject of the pending motion, the filing of an amended complaint moots a pending motion addressed or dependent upon a superseded pleading. *Herbert v. NYC Dept. of Corrections*, 2011 WL 4357189 (S.D.N.Y. 1/30/2012).

nydocs1-985615.1

New York, NY ■ Newark, NJ ■ Philadelphia, PA ■ Stamford, CT ■ Ventura, CA ■ Washington, DC

Hon. Barbara S. Jones  
United States District Court  
Page -2-  
April 2, 2012

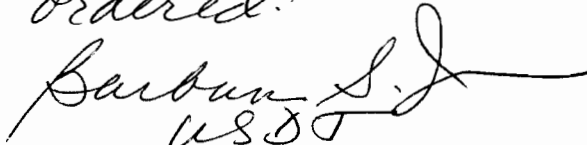
It is our intent to provide a copy of the proposed amended complaint to counsel for Defendant by April 11, 2012, in the hope of avoiding motion practice. We hope that Defendant will reciprocate by providing us with any proposed amended or supplemental pleading in advance of the April 30 deadline. In any event, because we are seeking to file an amended complaint we are withdrawing the pending motion, without prejudice to our filing a motion for summary judgment pursuant to the Federal Rules of Civil Procedure at a later date.

Sincerely yours



Jeffrey E. Glen

cc: Hon. Debra C. Freeman, Magistrate-Judge (by hand)  
G. Robert Gage, Esq.  
Attorney for Defendant (by email and regular mail)

*So ordered:*  
  
USDC  
4-4-12